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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/912,646	07/24/2001	Steve Walrath	APPDATA.001A	7751

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EXAMINER

POLLACK, MELVIN H

ART UNIT	PAPER NUMBER
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2145

NOTIFICATION DATE	DELIVERY MODE
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10/29/2007

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

jcartee@kmob.com
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Office Action Summary

Application No.

09/912,646

Applicant(s)

WALRATH, STEVE

Examiner

Melvin H. Pollack

Art Unit

2145

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 August 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 May 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☒ Other: see attached office action.

DETAILED ACTION

Response to Amendment

1. The declaration filed on 10 August 2007 under 37 CFR 1.131 has been considered but is ineffective to overcome the Bocionek reference.
2. The evidence submitted is insufficient to establish a conception of the invention prior to the effective date of the Bocionek reference. While conception is the mental part of the inventive act, it must be capable of proof, such as by demonstrative evidence or by a complete disclosure to another. Conception is more than a vague idea of how to solve a problem. The requisite means themselves and their interaction must also be comprehended. See *Mergenthaler v. Scudder*, 1897 C.D. 724, 81 O.G. 1417 (D.C. Cir. 1897). The exhibits do describe a product, including adequate demonstrations, that show the functionality of the independent claims, at least. However, the exhibits lack any form of dating information or ownership information that would allow the examiner to conclude that the applicant conceptualized the idea, and on a date prior to 16 January 2001.
3. The evidence submitted is insufficient to establish a reduction to practice of the invention in this country or a NAFTA or WTO member country prior to the effective date of the Bocionek reference. Evidence of reduction to practice must have sufficient evidence of date and ownership. In addition, the requirement is much higher than that of conception, and is typically shown by finished code and the like. A screen shot or product description is insufficient.
4. The evidence submitted is insufficient to establish diligence from a date prior to the date of reduction to practice of the Bocionek reference to either a constructive reduction to practice or an actual reduction to practice. The applicant has failed to specify the date to which he is

Art Unit: 2145

swearing back, or to provide the dates of Exhibits A and B. As such, it is impossible to establish diligence.

Response to Arguments

5. Applicant's arguments filed 10 August 2007 have been fully considered but they are not persuasive. An analysis of the arguments is provided below.

6. The 101 rejections have been withdrawn in light of the amendment.

7. The Bocionek reference is maintained in light of the insufficient declaration, as shown above. Because the declaration lacks ownership and date information for the affidavits, lacks a particular date that the applicant wishes to swear back to, and further lacks both adequate reduction to practice and adequate conception and diligence, the declaration is rejected, and this rejection is maintained.

8. Applicant also alleges that Gauthier does not expressly disclose a browser component, because it does not load one or more electronic pages (P. 8, lines 2-4). Applicant concedes that Gauthier teaches an add-on module for a web page (P. 8, lines 5-8) that imports web page data, and updates the data if dynamic (P. 7). The claims as drawn do not limit the information viewer to a web browser that displays the entire page as the publisher desired, as any program that can access HTML pages and display the information is acceptable.

9. Applicant then alleges that there are not multiple browser components (P. 8, lines 2-4). Within the single spreadsheet, there are multiple tables, each viewable and controllable by a tab. In each spreadsheet is included a separate web page. Thus, each table is a browser component.

Art Unit: 2145

10. Applicant finally alleges that Gauthier cannot describe controls for managing these multiple browser components. As shown, Gauthier teaches a tab for each table, allowing the table to be visible or hidden as desired.

11. The examiner withdraws the Gauthier reference solely for the purpose of streamlining final practice and advancing prosecution. The examiner maintains the right to re-raise the evidence if needed.

12. The examiner upholds the Bocionek reference, and the rejection is therefore final.

Claim Rejections - 35 USC § 102

13. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

14. Claims 1, 2, 4, 8-11, 13, 17-28 are rejected under 35 U.S.C. 102(e) as being anticipated by Bocionek et al. (6,801,227).

15. Bocionek teaches a method and system (abstract) of providing bundles of electronic pages for viewing on Microsoft Explorer browser (col. 1, line 1 – 3, line 25; col. 8, lines 10-20), wherein a server on a network (col. 3, line 25 – col. 4, line 35) provides software controls and electronic HTML pages in response to a client request (col. 4, line 35 – col. 5, line 6), substantially simultaneously (col. 5, lines 6-25). The software controls comprise tabs that hide and display pages (Figs. 4-7; col. 5, line 25 – col. 7, line 5), provide storage for data that may be

Art Unit: 2145

shared between different pages (col. 7, lines 5 – 38), and allow data to be read at certain intervals (col. 7, line 38 – col. 8, line 10).

Claim Rejections - 35 USC § 103

16. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

17. Claims 3 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bocionek as applied to claims 1 and 10 above, and further in view of Alcazar et al. (7,069,507).

18. Bocionek does not expressly disclose that the components comprise the Microsoft HTML parsing and rendering engine. Alcazar teaches a method and system (abstract) of providing interactive documents (col. 1, line 1 – col. 3, line 35; col. 21, line 1 – col. 22, line 10), that includes this limitation (col. 10, line 30 – col. 21, line 67). At the time the invention was made, one of ordinary skill in the art would have added the engine to allow for better interaction between the pages (col. 6, lines 40-55).

19. Claims 5-7 and 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bocionek as applied to claims 1 and 10 above, and further in view of Austin (7,134,085).

20. Bocionek does not expressly disclose the use of Active X controls, although tabs are disclosed, as shown above. Austin teaches a method and system (abstract) of providing page-hiding and displaying GUIs (col. 1, line 1 – col. 11, line 55; col. 34, line 60 – col. 36, line 5), including tabs as Active-X controls (col. 18, line 38 – col. 19, line 3). At the time the invention

Art Unit: 2145

was made, one of ordinary skill in the art would have added controls to simplify platform issues (col. 2, lines 45-55).

Conclusion

21. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melvin H. Pollack whose telephone number is (571) 272-3887. The examiner can normally be reached on 8:00-4:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cardone can be reached on (571) 272-3933. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2145

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Melvin H Pollack
Examiner
Art Unit 2145



MHP
19 October 2007



JASON CARDONE
SUPERVISORY PATENT EXAMINER